

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #10	CCRB Case #: 201704721	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/03/2017 7:05 PM	Location of Incident: § 87(2)(b)	Precinct: 30	18 Mo. SOL 12/3/2018	EO SOL 12/3/2018	
Date/Time CV Reported Sat, 06/03/2017 8:51 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/12/2017 4:38 PM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Marino Lorenzo	10017	932921	030 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Griffen Sheridan	01618	961283	030 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Marino Lorenzo	Abuse: Police Officer Marino Lorenzo entered § 87(2)(b) in Manhattan.				

Case Summary

§ 87(2)(b) filed this complaint with IAB by phone on June 3, 2017 (BR 01). The CCRB received the complaint on June 12, 2017.

On the evening of June 3, 2017, § 87(2)(b) got in an argument with the superintendent of the single-room occupancy (SRO) building where he lives at § 87(2)(b) in Manhattan. The front desk attendant, § 87(2)(b) called 911. PO Marino Lorenzo and PO Griffen Sheridan of the 30th Precinct responded shortly after 7 p.m. The officers went to § 87(2)(b)'s room, § 87(2)(b), and knocked on the door. § 87(2)(b) answered and briefly spoke to them, but then slammed his door. PO Lorenzo obtained the key to § 87(2)(b)'s room from § 87(2)(b) and opened § 87(2)(b)'s door (**Allegation A**). He stood in the doorway, slightly crossing the threshold, and talked with § 87(2)(b) who was irate. § 87(2)(b)'s girlfriend, § 87(2)(b) was in the room with him and went into the hallway to talk to the officers. After talking with § 87(2)(b) the officers left the building. § 87(2)(b) was not arrested or issued a summons.

§ 87(2)(b) recorded video of the incident with his cell phone (see BR 02 for the full video).



201704721_20170824_1124_DM.mp4

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of August 23, 2017, no Notice of Claim has been filed in relation to this incident (BR 13).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (BR 04).
- PO Lorenzo has been a member of the NYPD for 14 years. There are six prior complaints against him containing nine allegations, none of which were substantiated. § 87(2)(g)

Findings and Recommendations

Allegations not pleaded

- **Threat of Force:** § 87(2)(b)'s video shows PO Lorenzo holding a Taser while he spoke with § 87(2)(b). § 87(2)(b) said that, before PO Lorenzo opened his door, he heard electrical noises from the Taser, which he interpreted as a threat. In his interview, PO Lorenzo said any electrical noises were probably just the sound of the Taser turning on.

§ 87(2)(g)

Officers not interviewed

PO Lorenzo's partner, PO Sheridan, was not interviewed; § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Marino Lorenzo entered § 87(2)(b), in Manhattan.

§ 87(2)(g)

§ 87(2)(b) lives in an SRO apartment at a building called § 87(2)(b) in Manhattan (BR 05). His room has a lock and § 87(2)(b) has a lease and pays rent. § 87(2)(b) said that building staff are not allowed to come in the rooms unless there is an emergency or they have written permission from the resident.

On the day of the incident, § 87(2)(b) had his girlfriend, § 87(2)(b) over to visit. The building's shared toilet had been broken for two days. § 87(2)(b) previously put in a request for it to be repaired, but it had still not been fixed, so he rang the doorbell of the superintendent, § 87(2)(b) whose first name is unknown. § 87(2)(b) was angry because tenants are not supposed to come to his door – maintenance requests are supposed to be put in a book at the front desk. He and § 87(2)(b) had a verbal argument, but § 87(2)(b) did not make any threats and they did not have a physical altercation.

§ 87(2)(b) returned to his room. About 15 minutes later, PO Lorenzo and PO Sheridan knocked on his door. § 87(2)(b) answered when they said they were the police. PO Sheridan remained silent throughout most of the incident while § 87(2)(b) interacted with PO Lorenzo. PO Lorenzo said he was investigating an incident. § 87(2)(b) said that no one got hurt and nothing serious happened. He asked why the officers were there. PO Lorenzo mentioned the building policy about putting maintenance requests in a log book. § 87(2)(b) said he did put the request in the log book and that PO Lorenzo did not understand what went on with building management. He said there was no reason for the officers to be there and closed the door.

About five minutes later, § 87(2)(b) heard the officers come back to his door. Without saying anything first, PO Lorenzo opened § 87(2)(b)'s door with a key. § 87(2)(b) later learned that PO Lorenzo obtained the key from the front desk attendant. § 87(2)(b) believed the attendant's name was § 87(2)(b) but he was identified by the investigation as § 87(2)(b). PO Lorenzo stood in the doorway, slightly crossing the threshold, but did not come further into the apartment. § 87(2)(b) became "heated" and argued with PO Lorenzo for several minutes, saying that he had no authority to open his door. Eventually, § 87(2)(b) went to talk to the officers in the hallway and the officers left after speaking to her.

§ 87(2)(b) § 87(2)(g) said that when she went in the hallway, PO Lorenzo said, "If § 87(2)(b) keeps acting like this we're going to have to take him to Bellevue." § 87(2)(b) told him that § 87(2)(b) was "not crazy" and was only upset because the officers opened his door. The officers left after that conversation.

The investigation obtained a recording of § 87(2)(b)'s 911 call and also obtained a phone statement from him (BR 07 and 08). In the 911 call, § 87(2)(b) said that a resident of the building banged on the superintendent's door. When § 87(2)(b) answered, the resident became "hostile" and told him to "suck his private part." At the time of the call, the resident had returned to his room and the superintendent was in the lobby with § 87(2)(b). § 87(2)(b) said there were no weapons or injuries and, to his knowledge, the resident was not mentally ill.

In his phone statement, § 87(2)(b) said that § 87(2)(b) was "pounding" on the superintendent's door, after which they got into an argument and § 87(2)(b) screamed at the superintendent. § 87(2)(b) did not hear § 87(2)(b) make any threats. The first time the officers went to § 87(2)(b)'s door, he became "highly irate" and slammed the door. An officer then came to § 87(2)(b) and requested a key to § 87(2)(b)'s room. The officer used the key to open § 87(2)(b)'s door, but did not go inside the room. The officers spoke to § 87(2)(b) again and left afterward. In a phone call on August 3, 2017, the manager of § 87(2)(b), § 87(2)(b) (first name unknown), who was not present for the incident, said that she doubted any member of staff let police enter § 87(2)(b)'s apartment because their policy is to only give officers access to private rooms in a "very severe emergency" (BR 09).

In his interview, PO Lorenzo said that he and his partner, PO Sheridan, first spoke to the building's superintendent in the lobby (BR 10). The superintendent said he "felt threatened" because § 87(2)(b) was "being loud," but he did not say that § 87(2)(b) made any explicit threats toward him. The officers then knocked on § 87(2)(b)'s door. § 87(2)(b) opened it, but screamed something and then shut and locked the door. PO Lorenzo did not remember what § 87(2)(b) yelled. PO Lorenzo saw § 87(2)(b) sitting on § 87(2)(b)'s bed before he shut the door. PO Lorenzo felt concerned for her safety because § 87(2)(b) seemed "irrational" because he was screaming "for no reason."

PO Lorenzo went to the front desk and asked § 87(2)(b) if he had a key to § 87(2)(b)'s room. In his interview, PO Lorenzo said that, to his understanding, the building was a shelter and staff were authorized to let officers into residents' room. He did not have any discussion with building staff about their policies regarding allowing officers to enter rooms. PO Lorenzo said he has responded to the building on other occasions and been allowed into rooms. § 87(2)(b) provided the key and the officers went back to the room. PO Lorenzo took out his Taser before opening § 87(2)(b)'s door with the key because he was concerned that § 87(2)(b) would attack him. PO Lorenzo said his reason for opening the door was because he wanted to make sure that § 87(2)(b) was safe before he left the building. § 87(2)(b) was "really aggravated" when PO Lorenzo opened the door and said that if he had a shotgun he would shoot PO Lorenzo. § 87(2)(b) tried to calm § 87(2)(b) down. She eventually came into the hallway to talk to the officers. § 87(2)(b) seemed "really calm," so the officers left after talking to her.

A landlord does not have the authority to grant officers entry to a private area rented by a tenant. People v. Ponto 103 A.D.2d 573 (1984 – 2nd Dept.) (BR 11). For the emergency exception to the search warrant requirement to apply, three conditions must be met: (1) The police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property. (2) The search must not be primarily motivated by intent to arrest and seize evidence. (3) There must be some reasonable basis, approximating

probable cause, to associate the emergency with the area or place to be searched. People v. Greenleaf, 222 A.D.2d 838 (1995 – 3rd Dept.) (BR 12).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Squad: 10

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date